

# Condensed Transcript

Sheet 1 Page 1

38TH JUDICIAL DISTRICT COURT

PARISH OF CAMERON

STATE OF LOUISIANA

MITCHELL NAVARRE

VERSUS

DOCKET NO.: 10-19624

PROSPER OPERATORS, INC.

\* \* \* \* \*

The deposition of MITCHELL NAVARRE was taken in the above entitled cause, pursuant to the following stipulations, before Lesley Baudoin, Certified Court Reporter, at Cox, Cox, Filo, Camel & Wilson, 723 Broad Street, Lake Charles, Louisiana, on the 6th day of July, 2016, beginning at 1:40 p.m.

\* \* \*

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1  
2 EXAMINATIONS:  
3 MR. ROY ..... 5  
4 OBJECTIONS:  
5 NONE.  
6 EXHIBITS:  
7 NONE.

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APPEARANCES

FOR THE PLAINTIFF, MITCHELL NAVARRE:

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STIPULATIONS

1  
2 It is hereby stipulated and agreed by and between  
3 counsel for the respective parties that the deposition of  
4 MITCHELL NAVARRE be taken pursuant to notice for trial  
5 purposes as authorized by the Federal Rules of Civil  
6 Procedure.  
7 The parties hereto waive all formalities in  
8 connection with the taking of said deposition, except the  
9 swearing of the witness and the reduction of the questions  
10 and answers to typewriting. The reading and signing by the  
11 witness is hereby reserved.  
12 Counsel for all parties reserve all objections,  
13 except as to the form of the question and the  
14 responsiveness of the answer, at the time of taking said  
15 deposition; but they also reserve their rights to make  
16 objections at the time said deposition or any part thereof  
17 may be offered in evidence, with the same rights as if the  
18 testimony had been given and taken in Open Court.  
19 \* \* \*

EXHIBIT

C

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1 MITCHELL NAVARRE,  
2 called as a witness, after having been first duly  
3 sworn, was examined and testified as follows:  
4 EXAMINATION BY MR. ROY:  
5 Q Mr. Navarre, my name is Lane Roy. I'm an attorney  
6 from Lafayette, and we're going to be taking your  
7 deposition here today to ask you questions about the  
8 lawsuit that you filed over in Cameron Parish and  
9 then about your work -- your past work. I'm going to  
10 ask you some things about your education, background,  
11 and that sort of thing, also. If there's anything  
12 that I ask you that you don't understand, let me know  
13 that.  
14 A Yes, sir.  
15 Q If you don't know something, or you just don't have  
16 any knowledge of it, you can tell me that. The fact  
17 that you don't know is okay. If it's something you  
18 don't remember, just tell me that. What we're trying  
19 to do here is get information from you, and the court  
20 reporter is going to be taking down everything that I  
21 ask and everything that you respond or that your  
22 lawyer indicates. It'll all be on the record. And  
23 you're under oath, just as though you would be in  
24 court, and this deposition could be used in court for  
25 purposes of demonstrating what you've told us here

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1 today. All right, sir?  
2 A Yes, sir.  
3 Q As you have been, if you will, answer aloud because  
4 the court reporter has to work on her machine there  
5 and it also records it, and shaking the head doesn't  
6 come out on the machine. So, if you would, as you  
7 have, speak loudly so that we can hear everything.  
8 All right?  
9 A Yes, sir.  
10 Q Okay. Mr. Navarre, where do you presently live?  
11 What's your home address?  
12 A 2214 Center Street, Vinton, Louisiana.  
13 Q All right. And how long have you lived at that  
14 address?  
15 A Four years.  
16 Q All right. And does anyone live at that home with  
17 you?  
18 A My fiancée.  
19 Q And what is her name, sir?  
20 A Trina Honeycutt.  
21 Q All right. And how long has Trina Honeycutt been  
22 living with you, sir?  
23 A Four years.  
24 Q Four years. Okay. Is that home on Center Street her  
25 home?

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1 A No, sir. We rent.  
2 Q You rent. Okay. And immediately before living at  
3 the Center Street home in Vinton, where did you live,  
4 sir?  
5 A 4200 Sherry Street, Sulphur, Louisiana.  
6 Q And how long approximately did you live in Sherry  
7 Street?  
8 A Around three years.  
9 Q What is your present age?  
10 A Fifty-two (52).  
11 Q And have you ever been married?  
12 A Yes, sir.  
13 Q How many times, sir?  
14 A Once.  
15 Q And your former wife's name, what is that?  
16 A I'm still married.  
17 Q And what is her name, sir?  
18 A Victoria Navarre.  
19 Q Okay. And where does Mrs. Navarre live?  
20 A 4200 Sherry Street.  
21 Q So that was the family home between the two of you  
22 for a number of years?  
23 A Yes.  
24 Q Okay. How long were you married or when did you  
25 marry Vickie Navarre?

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1 A Twenty-seven (27) years.  
2 Q Where are you from originally?  
3 A Lafayette.  
4 Q And how long have you been in the Lake  
5 Charles/Sulphur area?  
6 A About 35 years.  
7 Q What brought you here?  
8 A Work.  
9 Q Tell me, in the past, what types of work generally  
10 you have done?  
11 A Construction, tree company.  
12 Q All right. Did you finish high school?  
13 A No, sir.  
14 Q Where did you go to high school?  
15 A Carencro.  
16 Q And how far did you go?  
17 A Eighth. I finished the eighth.  
18 Q Okay. And after the eighth grade, did you do any  
19 other work, trade schools, or business schools, where  
20 you picked up a trade or earned a certificate in  
21 anything?  
22 A Not until about 12 years ago.  
23 Q And then what happened?  
24 A I got a CDL license. I went to Coastal Driving,  
25 trucking school.

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1 Q And do you still have a CDL?

2 A Yes.

3 Q Okay. You've kept it up continually?

4 A Yes, sir.

5 Q So you're still licensed to drive the larger trucks?

6 A Yes, sir.

7 Q Okay. Did you do that for a living for a period of

8 time?

9 A Two years.

10 Q Do you have any other certificates or licenses in any

11 trade or business?

12 A No, sir.

13 Q How long did you work for Prosper Operators at the

14 time that you were hurt?

15 A About a year and four months.

16 Q Okay. And where had you worked immediately before

17 Prosper?

18 A Davies Construction.

19 Q And what did you do at that company?

20 A I was a pipe fitter.

21 Q And about how long had you worked for that company?

22 A About a year and a half.

23 Q All right. And you said you had done construction

24 for a good portion of your adult life?

25 A Yes, sir.

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1 Q Okay. What took place that you and your wife, who

2 still lives on Sherry Street in Sulphur, how did you

3 all come to separate?

4 A Just got tired of being married.

5 Q All right. It wasn't anything specific? Just --

6 A No, sir.

7 Q Okay. All right. And do you still support your

8 wife?

9 A No, sir.

10 Q How does she support -- is she living -- is she

11 working? I'm sorry.

12 A No, she's disabled.

13 Q And what is her -- an accident, or what does she --

14 A Her carotid arteries. Medical.

15 Q So does she get a Social Security or something of

16 that sort?

17 A Yes, sir.

18 Q All right. And do you have any children?

19 A Yes, sir.

20 Q How many children?

21 A Three.

22 Q And how old are they, if you would?

23 A 32, 30, and 28.

24 Q All right. All independent now?

25 A Yes, sir.

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1 Q Okay. And so, it's just you and Trisha Honeycutt who

2 live at the home?

3 A Trina.

4 Q Trina. I'm sorry. I don't write so well either,

5 okay. You are the only ones who live at the home?

6 A Yes, sir.

7 Q Is she employed outside the home?

8 A She's in school.

9 Q All right. Where does she go to school?

10 A Delta.

11 Q Is that here -- the one in Lake Charles?

12 A Yes, sir.

13 Q All right. Now, tell me if you would, Mr. Navarre,

14 when you hired on at Prosper Operators, what were you

15 -- this is even before you actually started work,

16 what did you understand the job to be that you were

17 hired for?

18 A I wouldn't know how -- it's to maintain and operate

19 the field.

20 Q Had you ever done that before?

21 A I had worked there with Davies as a private

22 contract... -- as a contractor.

23 Q All right. And once you started work at Prosper,

24 tell me what it is that you did on a -- if you had to

25 describe a day's work, what would it be?

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1 A Maintain the wells and all the equipment.

2 Q Where were the wells located?

3 A In Sweet Lake.

4 Q Were all of them that you -- that Prosper had you

5 working on in Sweet Lake?

6 A Yes, sir.

7 Q And the wells that you were maintaining, were those

8 wells that Prosper owned, or were they wells that

9 Prosper was maintaining and --

10 A Maintaining.

11 Q So others owned them?

12 A Yes, sir.

13 Q You agree that Prosper had some sort of a contract to

14 maintain those wells?

15 A Yes, sir.

16 Q Okay. And so you were doing that for Prosper as one

17 of the people -- or were there several?

18 A There's two per crew.

19 Q And how would you get to these wells to do the work

20 that you had to do?

21 A In a vessel.

22 Q Where would you start your day's work? Would you go

23 to some place, a dock, or go to the Prosper office,

24 or where would you go?

25 A We stayed out on the water.

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1 Q All right. Where would you stay?  
 2 A In a trailer there on the platform.  
 3 Q All right. So you actually had a trailer on the  
 4 fixed platform out on the lake?  
 5 A Yes, sir.  
 6 Q Okay. And what was your work schedule?  
 7 A 6:00 to 5:00 -- 6:00 to 6:00.  
 8 Q Okay. And would you come home every night?  
 9 A No.  
 10 Q How long would your shift last out there?  
 11 A Seven days.  
 12 Q And during the time that you were not working, that  
 13 is your hours off, you were on the platform at the  
 14 trailer?  
 15 A Yes, sir.  
 16 Q And during the days that you were not working, did  
 17 you go home?  
 18 A Yes, sir.  
 19 Q So you had a seven and seven work schedule, working  
 20 12 hours a day?  
 21 A Yes, sir.  
 22 Q And was there someone who was working the 12 hours  
 23 per day that you were not working?  
 24 A We stayed if there was -- an alarm went off, we took  
 25 care of it.

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1 Q So, in other words, you worked the days essentially,  
 2 but were there for any emergency work had the alarm  
 3 go off during the night?  
 4 A Yes, sir.  
 5 Q Okay. And were there -- you said there were two  
 6 people working on the same area you were? You and  
 7 someone else?  
 8 A Yes, sir.  
 9 Q Were both of you direct employees of Prosper?  
 10 A Yes, sir.  
 11 Q And how did you all get from the shore to the  
 12 platform?  
 13 A In a boat called the AMBER.  
 14 Q And where did you all catch that boat?  
 15 A At the dock at the end of Sweet Lake Camp Road.  
 16 Q What size boat are we talking about?  
 17 A About a 25, 27 foot.  
 18 Q And the boat -- would the boat be there, or would it  
 19 come for you when you got to the dock?  
 20 A The two that was getting off would drive to the dock.  
 21 We'd get on and drive out.  
 22 Q And the two who were getting off of work there, were  
 23 they also employees of Prosper?  
 24 A Yes, sir.  
 25 Q So they were the counterpart of you and your partner;

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1 is that correct?  
 2 A Yes, sir.  
 3 Q All right. They were finishing their seven days, and  
 4 you were starting yours?  
 5 A Yes, sir.  
 6 Q And is that where you all would meet each time?  
 7 A Yes, sir.  
 8 Q Okay. Who owned the boat that you all were on?  
 9 A I think it was Prosper.  
 10 Q Okay. Tell me, what kind of boat was it? Was it  
 11 aluminum hull, fiberglass, --  
 12 A Well, which one?  
 13 Q The one that you named, the one that you all --  
 14 A AMBER.  
 15 Q AMBER.  
 16 A It was aluminum.  
 17 Q All right. Did it have a brand name on it?  
 18 A Scully boat, I think.  
 19 Q Stelly?  
 20 A Scully.  
 21 Q Was it a shop made boat?  
 22 A I think so.  
 23 Q And what size motor was on it?  
 24 A About a 150.  
 25 Q Outboard?

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1 A Yes, sir.  
 2 Q And what brand of motor?  
 3 A Oh, we went through several out there, but I think it  
 4 was a Suzuki last.  
 5 Q Okay. So, when you all met at the dock, there would  
 6 be two people only on the boat. Those same two  
 7 people would get off, and you and your co-worker  
 8 would get on?  
 9 A Yes, sir.  
 10 Q And how far was it from the dock to the platform?  
 11 A By minutes or by miles?  
 12 Q Either way.  
 13 A About a 15 minute boat ride.  
 14 Q Okay. What time would you all make the exchange of  
 15 personnel or went on the change day?  
 16 A About 7:00 in the morning.  
 17 Q Did this boat have any sort of enclosure on it or --  
 18 A Yes, sir.  
 19 Q What did it have?  
 20 A It had a cabin.  
 21 Q Okay. And was the boat -- did the boat have a  
 22 license number on it?  
 23 A Yes, sir.  
 24 Q Did it have working lights on it?  
 25 A Yes, sir.



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1 Q Was it navigational lights?  
 2 A Yes, sir.  
 3 Q How did you determine when you first did it, how to  
 4 get to the platform? How did you know how to get to  
 5 the platform from the dock?  
 6 A From the platform to the dock?  
 7 Q Yes, sir.  
 8 A Follow the telephone poles into the canal, and it  
 9 brings you to the --  
 10 Q Okay. From the dock to the platform, did you all  
 11 have to go in any open water or was it principally  
 12 canals?  
 13 A No, sir. It's just one -- one lake out there.  
 14 Q Okay. Who would normally drive the boat when you  
 15 were making the shift change, as between you and your  
 16 partner?  
 17 A Steve would drive it out.  
 18 Q And what his name? Steve?  
 19 A Steve.  
 20 Q Last name?  
 21 A Mott, I think. M-o-t-t.  
 22 Q All right. Did Steve Mott have the same job title as  
 23 you had? Did he do the same work as you did?  
 24 A Steve sat in the office.  
 25 Q Was he a supervisor of yours on the shift?

Page 18

1 A He was above me, yes.  
 2 Q Okay. Had he been longer with the company?  
 3 A Yes, sir.  
 4 Q So, between the two of you, he would have the senior  
 5 position?  
 6 A Yes, sir.  
 7 Q Once you all would get to the platform, I'm assuming  
 8 that you'd get there maybe by eight o'clock in the  
 9 morning?  
 10 A Yes, sir.  
 11 Q Would you work that particular day? Go out and --  
 12 A Yes, sir.  
 13 Q -- check well heads and so forth?  
 14 A Yes, sir.  
 15 Q When you were doing that on a particular day, would  
 16 you be in the boat by yourself, or would Steve Mott  
 17 or someone be with you?  
 18 A Ninety-nine (99) percent of the time, I was by  
 19 myself.  
 20 Q Would you then take off from the platform?  
 21 A Yes, sir.  
 22 Q And the nearest station that you would go to check a  
 23 wellhead from the platform would be about how far?  
 24 Minutes or miles?  
 25 A Seconds. Sixty (60) seconds.

Page 19

1 Q Okay. You could see it from the platform?  
 2 A Yes, sir.  
 3 Q And the farthest you would be -- the one that's  
 4 farthest from the platform would be about how far?  
 5 A About 20 minutes.  
 6 Q And it was typical that you said about 90 percent of  
 7 the time you would be by yourself when you would go  
 8 to do these inspections?  
 9 A Yes, sir.  
 10 Q Okay. And was the work that you were doing on those  
 11 occasions something that was capable -- designed for  
 12 one person? What I'm saying is, --  
 13 A Not all the time.  
 14 Q -- were you physically capable of doing the work on  
 15 those occasions?  
 16 A Yes.  
 17 Q And on the ten percent or so of the times that you  
 18 have somebody with you, what would cause you to have  
 19 that second person with you?  
 20 A You get bored sitting in there.  
 21 Q So, in other words, it wasn't something where you  
 22 said, "I need a second person"? It was just a  
 23 question of maybe he'd come out with you to do your  
 24 work?  
 25 A I mean, sometimes we'd -- to do the chemicals, it

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1 would take two people on certain chemicals.  
 2 Q All right. And what's -- tell me, was there a  
 3 typical size of wellhead or platform that you were  
 4 going to to do your inspection work?  
 5 A In the keyways, it was --  
 6 Q What was the typical height of those installations  
 7 versus your boat? Was it higher, lower than the  
 8 gunwale of the boat?  
 9 A It was level with the boat.  
 10 Q These were installations that had been in place for a  
 11 long period of time?  
 12 A Long time.  
 13 Q And what work would you typically do at one of these  
 14 installations?  
 15 A We'd check the chemicals.  
 16 Q And how would you do that?  
 17 A Pull up and read the gauges and make sure the pump  
 18 was pumping and --  
 19 Q Okay. So you wanted to be sure that everything was  
 20 working inside, and the chemicals would tell you  
 21 that?  
 22 A And no leaks.  
 23 Q Okay. Did -- or would it be the norm that you would  
 24 simply go and check, or did you have to do other  
 25 work? For example, suppose the chemicals were not

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Page 21

1 right, what would you do in that case? Was that  
 2 something you'd just report, or would you have to  
 3 make some adjustment or repair?  
 4 A I'd make adjustments if a pump wasn't pumping.  
 5 Q And how would you adjust? Were there devices on the  
 6 wellhead that allow you to do that, or did you have  
 7 to call somebody to do it?  
 8 A It wasn't on the wellhead. It was on the chemical  
 9 tank.  
 10 Q And the chemical tank would be on that same platform?  
 11 A Yes, sir.  
 12 Q And what would you do? Were there valves or levers  
 13 or handles you would turn?  
 14 A Just a little round --  
 15 Q Okay. So you would --  
 16 A -- knob.  
 17 Q -- adjust the flow of the chemicals?  
 18 A Yes, sir.  
 19 Q You had been trained on how to do that?  
 20 A Yes, sir.  
 21 Q And did that require any tools, or was that simply  
 22 something you could do by hand?  
 23 A I can do it by hand.  
 24 Q And after you adjusted the chemicals, would you then  
 25 do another reading of the chemicals?

Page 22

1 A Yes.  
 2 Q And to see whether it was satisfactory then?  
 3 A Yes.  
 4 Q Did you ever have an occasion while you worked for  
 5 Prosper Operators at one of these wellheads where you  
 6 were -- the chemicals were not right, you attempted  
 7 to get them right by making adjustments, and you were  
 8 unable to get it properly adjusted?  
 9 A Yes, sir.  
 10 Q Okay. What would you do then when that happened?  
 11 A Then we'd take the little pump off and rebuild it.  
 12 Q And the pump would pump chemicals from the chemical  
 13 holder into the well?  
 14 A Into the line.  
 15 Q Into the line. Okay. And you had been trained on  
 16 the rebuilding of the pump, also?  
 17 A Yes, sir.  
 18 Q How big of a pump are we talking about?  
 19 A A small -- about a little bit bigger than my Coke  
 20 cup.  
 21 Q All right. So, in other words, something you could  
 22 easily hold in two hands?  
 23 A Yes, sir.  
 24 Q And what was the pump made of? Is it something --  
 25 it's metal?

Page 23

1 A Aluminum.  
 2 Q Aluminum. Okay. And did it sit out in the open?  
 3 A Yes, sir.  
 4 Q Did you have to remove the pump in order to rebuild  
 5 it?  
 6 A It all depends what side of the pump was out.  
 7 Q All right. And what was required in order for you to  
 8 rebuild the pump; that is, did you have to have hand  
 9 tools or did you have a welding torch? What do you  
 10 need?  
 11 A No, sir. Just Allen wrenches and gaskets.  
 12 Q So we're talking about relatively small parts that  
 13 had small fittings that would allow you to remove it?  
 14 A Yes, sir. Maybe a crescent wrench.  
 15 Q Would you have tools with you when you would go out  
 16 on the job?  
 17 A Yes, sir.  
 18 Q And you knew what size tools you would need for the  
 19 various fittings you might have to loosen?  
 20 A Yes, sir.  
 21 Q Would you keep all of those tools in the boat or  
 22 would you carry them on your person? How did you do  
 23 that?  
 24 A I kept a crescent on me, and little channel locks and  
 25 the other tools stayed in the boat.

Page 24

1 Q Did y'all have a toolbox in the boat?  
 2 A Yes, sir.  
 3 Q Okay. What is the biggest tool that you would have  
 4 had on the boat for use on one of these platforms?  
 5 A About an inch and five-eighths wrench.  
 6 Q Okay. So we're talking now generally about the kind  
 7 of hand tools that you might have a mechanic might  
 8 use --  
 9 A Yes, sir.  
 10 Q -- or a plumber might use. That sort of thing; is  
 11 that correct?  
 12 A Yes, sir.  
 13 Q You didn't have any power tools on your vessel?  
 14 A No, not that -- no.  
 15 Q And the tools that were on this boat, were those  
 16 tools the same ones that your counterpart would use  
 17 when he was on tour?  
 18 A Yes, sir.  
 19 Q Okay. All right. Did you ever have to replace a  
 20 pump on any of those platforms while you worked  
 21 there?  
 22 A Yes, sir.  
 23 Q And where did you have -- did you bring a spare pumps  
 24 with you? Did you keep them in the boat? Do you  
 25 have to go back and get one?

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Sheet 4 Page 25

1 A I had to go back to the -- to the living quarters --  
 2 to our -- our trailer room.  
 3 Q And did you keep spares ones at the living quarters?  
 4 A We kept spare parts.  
 5 Q Okay. How big is the living quarters we're talking  
 6 about? How many -- is it as big as this room?  
 7 A Bigger.  
 8 Q How many people would be living in the living  
 9 quarters?  
 10 A When we had mechanics there, we could sleep about six  
 11 people.  
 12 Q Okay. And did you all have eating facilities there,  
 13 also?  
 14 A Yes, sir.  
 15 Q And was there someone who would cook, or would you --  
 16 you all would take turns cooking yourselves?  
 17 A We would take turns.  
 18 Q If you went out on a typical day to do the work that  
 19 you did at these wellheads, and let's say you left at  
 20 eight o'clock in the morning or thereabouts, how long  
 21 would it take you to do the work if you went to each  
 22 one and didn't have any particular problem, but  
 23 checked each one and adjusted if you needed to? How  
 24 long would it take you?  
 25 A There was no typical day. I mean, --

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1 would be staying during your work day?  
 2 A Yes, sir.  
 3 Q And who else would be on -- in that living quarters?  
 4 Other people who worked for Prosper, or were there  
 5 other people on it?  
 6 A Other contractors.  
 7 Q Was there someone of the group in the living quarters  
 8 in charge of things there? Somebody you would  
 9 consider to be the supervisor?  
 10 A Steve Mott.  
 11 Q Okay. So, if there was a problem or a decision to be  
 12 made, he would be the one who would typically make  
 13 it?  
 14 A Yes, sir.  
 15 Q Were there ever times that you all would have to  
 16 leave the platform for any reason? I'm talking about  
 17 an emergency, whether weather, or illness, or  
 18 anything of that sort?  
 19 A Not while I was there.  
 20 Q At the platform where the living quarters were, were  
 21 there other boats there, assuming the boat that you  
 22 were using for your work had you in it, and you were  
 23 out?  
 24 A Yes, sir.  
 25 Q What other boat was there?

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1 Q Well, I mean, are we talking about an hour? Are we  
 2 talking about it could take all day or --  
 3 A Usually stayed out six -- you know, at least six  
 4 hours in the boat.  
 5 Q All right. So the better part of a day anyway; is  
 6 that right?  
 7 A Yes, sir.  
 8 Q And that would be if you didn't have a major problem  
 9 or anything like that?  
 10 A Yes, sir.  
 11 Q And during that period of time, did you have contact  
 12 with the platform?  
 13 A You had a telephone.  
 14 Q Would you typically be talking to them, or only if --  
 15 should you need some --  
 16 A Only when I needed something.  
 17 Q Did you have a radio on the boat?  
 18 A We had what they call Coast Guard radio.  
 19 Q All right. But you typically used the cell phone?  
 20 A Yes, sir.  
 21 Q And did you have a cell phone assigned to you by the  
 22 company?  
 23 A Yes, sir.  
 24 Q So the living quarters we're talking about on the  
 25 platform, is that where you and your companion worker

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1 A There was the 202.  
 2 Q And what size boat was it?  
 3 A About a 40 foot. And then there was the UCO, which  
 4 was a 80 foot barge with a -- looked like a gator  
 5 tail on it.  
 6 Q And what was that barge used for?  
 7 A To -- we'd bring it in to load chemicals.  
 8 Q Okay.  
 9 A And we had a crane on it. When we had a line bust,  
 10 where we'd lift the lines up and stuff.  
 11 Q So you used that as part of your repair -- repairing  
 12 the line?  
 13 A Yes, sir.  
 14 Q But mainly it was -- you were bringing chemicals back  
 15 and forth on it and storing chemicals?  
 16 A We'd bring chemicals out on that one and the 202.  
 17 Q Okay.  
 18 A And the AMBER.  
 19 Q All right. The 202 was a crew boat?  
 20 A Yes, sir.  
 21 Q And how was it powered, inboard or outboard?  
 22 A Diesel outboard -- inboard.  
 23 Q And the barge, you said, did it have a motor attached  
 24 to it or did you push it?  
 25 A No, sir. It had a diesel motor with -- like I said,

# Condensed Transcript

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1 like a gator tail that stuck out the back.  
 2 Q I gather it would be tied up to the platform most of  
 3 the time?  
 4 A It all depends what we -- I mean, 50 percent of the  
 5 time it'd be out, 50 percent tied up at the bank --  
 6 at the dock.  
 7 Q Okay. Would it go to the dock except to get loaded?  
 8 Would it stay at the dock, or would it stay at the  
 9 platform when it wasn't being used?  
 10 A 50/50.  
 11 Q Who owned the barge; do you know?  
 12 A No, sir. I don't know.  
 13 Q And what about the 202?  
 14 A Don't know.  
 15 Q Was there ever a time that you used the 202 for the  
 16 work you did rather than the 23 foot aluminum boat  
 17 that you --  
 18 A Yes, sir.  
 19 Q And why would you use the 202 boat other than the  
 20 smaller boat?  
 21 A When we loaded the tanks on, and when the water was  
 22 rough.  
 23 Q All right. So, if you needed something larger or  
 24 either for loading purposes or because it was rough,  
 25 you might use the larger boat?

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1 A Yes, sir.  
 2 Q When you would use the larger boat, would you still  
 3 be the only one in it, or would someone be with you?  
 4 A Ninety-nine (99) percent, I was by myself.  
 5 Q Okay. Had you been trained on operating the larger  
 6 boat?  
 7 A Yes, sir.  
 8 Q So you knew how to operate it?  
 9 A Yes, sir.  
 10 Q It was a bigger boat, a diesel engine, but you were  
 11 capable of handling it?  
 12 A Yes, sir.  
 13 Q All right. Now, you weren't a licensed captain for  
 14 any type of commercial vessel?  
 15 A No, sir.  
 16 Q And not now either; is that correct?  
 17 A No, sir.  
 18 Q And would the 202 stay at the platform when it was  
 19 not being used?  
 20 A Yes, sir.  
 21 Q Is that how some of the people would get back and  
 22 forth from time to time?  
 23 A We'd usually use the AMBER.  
 24 Q Now, when you would -- on your normal work day, your  
 25 regular work day, when you were going to these

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1 wellheads to do the work that you did, you said you'd  
 2 have your tools with you. And would you have  
 3 chemicals with you in the boat that you might need,  
 4 or were the chemicals left on the wellhead?  
 5 A The chemicals, when they run low, we loaded it and  
 6 brought it out, pumped it right then.  
 7 Q All right. And the chemicals, how were they -- are  
 8 they in bags, were they in barrels or what?  
 9 A Some of them was in 55 gallon drums. Some was in DOT  
 10 tanks.  
 11 Q And how would you get them onto the platform?  
 12 A We wouldn't. We'd load it up with the crane either  
 13 on the 202 or -- and bring it out, pump it, and then  
 14 go back and unload it.  
 15 Q All right. So that's one of the things you might use  
 16 the larger boat for if you were putting chemicals  
 17 like that?  
 18 A Yes, sir.  
 19 Q Okay. How would it get put into the 202? Did it  
 20 just stay there, or would you all offload it from  
 21 your living quarters platform with some means?  
 22 A Can you repeat that?  
 23 Q Yes. How would you get your chemicals into the 202?  
 24 A With the crane.  
 25 Q Did the crane stay with your platform?

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1 A Well, if it was -- we loaded it at the bank. The  
 2 crane would stay there. We'd load it, go out and  
 3 then come back.  
 4 Q All right. So you never had to manhandle the drum or  
 5 the bags of the chemical?  
 6 A No, sir.  
 7 Q I gather that there were -- certainly the big drum  
 8 would be far too heavy to manhandle, I guess?  
 9 A It slid on the boat pretty easy.  
 10 Q But it's nothing you'd pick up even with a couple of  
 11 people?  
 12 A No, sir.  
 13 Q Now, when you would finish your work day, when you  
 14 were doing your gauging and your checking, would you  
 15 go back to the platform?  
 16 A Yes, sir.  
 17 Q And would you have any further duties during the term  
 18 of that day, unless there was some emergency alarm  
 19 that would go off?  
 20 A No, sir.  
 21 Q Okay. Your next duties would be the next day?  
 22 A Yes, sir.  
 23 Q And would you or someone else for Prosper check those  
 24 wells each day?  
 25 A It was me.



# Condensed Transcript

Sheet 5 Page 33

1 Q And if it was your off tour, somebody else would do  
2 it?  
3 A Yes, sir.  
4 Q And to your knowledge, they would do the same thing  
5 as you did?  
6 A Yes, sir.  
7 Q Were there any reports that you would prepare once  
8 you were doing your work showing what the readings  
9 were at the various wells?  
10 A Yes, sir.  
11 Q Did you do it while you were at the wellhead?  
12 A Yes, sir.  
13 Q And was that a report that you would bring back and  
14 give to somebody at the living quarters?  
15 A I'd bring it back, put it on the desk for when the  
16 chemical guy come out.  
17 Q But he'd bring it back then?  
18 A Yes, sir.  
19 Q Okay. And you were required to fill out that sheet  
20 every day?  
21 A Twice a day.  
22 Q Okay. If you had some sort of a repair problem,  
23 would you put that on your sheet?  
24 A I'd note it on there or just run back and get it. I  
25 wouldn't have to note it.

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1 A We'd call a third party.  
2 Q And somebody else would do it?  
3 A We'd assist them.  
4 Q Okay. All right. Now, the indication in this  
5 lawsuit that you've filed was that you were hurt on  
6 the job June 14 of last year -- June 14 of '15?  
7 A Yes, sir.  
8 Q Just almost exactly a year ago. And you said that  
9 you were -- you described in the lawsuit that you  
10 were an operator. You worked for Prosper, and that  
11 you were performing what would be your usual duties,  
12 the sort of thing that you were telling me about here  
13 today; is that right?  
14 A No, sir.  
15 Q Okay. What were you doing on the day that the  
16 accident happened?  
17 A I was bringing in a well, bringing up a well.  
18 Q Okay. And how far from the living quarters platform  
19 were you at the time that you had your injury?  
20 A About two minutes.  
21 Q Two minutes. Okay. Were you within sight of the  
22 living quarters platform?  
23 A Yes, sir.  
24 Q Okay. All right. You were working by yourself, as  
25 normal?

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1 Q All right. Did you ever have a time that there was  
2 some problem at one of the wellheads, and you did not  
3 have the appropriate repair parts or replacement  
4 parts on your living quarters platform?  
5 A Yes, sir, when a line would bust or something like  
6 that.  
7 Q What would you then? I mean, did you have to make a  
8 temporary repair or what? Would you shut it in and  
9 then you could repair it?  
10 A Shut it in.  
11 Q All right. And you had shut in valves available in  
12 order to do that?  
13 A Yes, sir.  
14 Q And you were trained on how to do that?  
15 A Yes, sir.  
16 Q Were those valves also on the same platform as the  
17 broken line would be?  
18 A The line would probably break in the water before.  
19 Q You could see it bubbling up?  
20 A Yes, sir.  
21 Q And so, if that happened, you -- you knew how to shut  
22 it in?  
23 A Yes, sir.  
24 Q And then who would make the repair of a broken line  
25 assuming it was in the water?

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1 A Yes, sir.  
2 Q Was there any particular mechanical problem that you  
3 were having on that day with the chemicals or with  
4 the wellhead?  
5 A They were rebuilding -- they just rebuilt the  
6 compressors.  
7 Q Okay. And you were there to do your normal checking?  
8 A No, sir. I was bringing up three wells because the  
9 compressor was -- just got fixed.  
10 Q So, what did you determine when you went and did your  
11 inspection that day? Were the readings okay?  
12 A Well, I wasn't inspecting nothing when the accident  
13 happened.  
14 Q They did not have it back on line yet?  
15 A I went to go bring it on line when the accident  
16 happened.  
17 Q Who was working then on the platform?  
18 A Steve Mott, and John from TPIC was there.  
19 Q All right. Were they doing the repair?  
20 A No, sir.  
21 Q What were they doing?  
22 A The mechanics come to repair it. John was there to  
23 make sure it was done right, and Steve was watching  
24 them.  
25 Q All right. And the mechanic was from another

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1 company?  
 2 A Yes, sir.  
 3 Q What company did he work for; do you know?  
 4 A I can't remember.  
 5 Q Did he work for a company that you would see out  
 6 there when repairs were needed?  
 7 A Yes, sir.  
 8 Q Okay. So he was somebody they used normally or  
 9 regularly?  
 10 A Yes, sir.  
 11 Q And did you have a line repair that you -- as you  
 12 talked about before, something down in the water?  
 13 A No, sir. It was a compressor that the pressure side  
 14 had broke.  
 15 Q So the mechanic was making the repair?  
 16 A The mechanics were done.  
 17 Q Okay. And had the repair been finished, as far as  
 18 you know?  
 19 A Yes, sir.  
 20 Q Okay. So, supposedly, it was repaired and ready to  
 21 be brought back on line?  
 22 A Yes, sir.  
 23 Q What happened then -- the three of you were there at  
 24 this particular platform; is that right?  
 25 A No, sir. John and Steve was at the compressors, and

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1 I was at the three wells bringing them up one at a  
 2 time.  
 3 Q How far were you all apart?  
 4 A About a five minute boat ride.  
 5 Q Okay. All right. You couldn't see them, and they  
 6 couldn't see you?  
 7 A No, sir.  
 8 Q So you were waiting on them, and you would make your  
 9 check once they brought it on line?  
 10 A Could you repeat that?  
 11 Q Right. What were you going to do at this particular  
 12 wellhead platform?  
 13 A I was bringing the well back up. I was opening the  
 14 valves.  
 15 Q All right. So the valves had been closed to make the  
 16 repair?  
 17 A Yes, sir.  
 18 Q And you were going to open up the valves and then do  
 19 your normal inspection work?  
 20 A No, sir.  
 21 Q What were you going to do once you opened up the  
 22 valves?  
 23 A I was going to go back to the platform.  
 24 Q And then you would do nothing for that wellhead until  
 25 the next day?

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1 A Yes, sir. Because the water was rough that day.  
 2 Q All right. How did Mott and John get from this  
 3 wellhead platform back to where they were?  
 4 A There's a walkway.  
 5 Q Did they use a boat?  
 6 A Not to go to the compressor station. No, sir.  
 7 Q All right. They just walked over there?  
 8 A Yes, sir.  
 9 Q And how were they going to get back to the living  
 10 quarters platform then?  
 11 A They were going to walk back.  
 12 Q How had you gotten to this particular platform where  
 13 you were getting ready to bring it back on line?  
 14 A I was in the AMBER.  
 15 Q All right. Why had you taken the boat to get to that  
 16 place rather than using the same path that they gone  
 17 when they were walking?  
 18 A Because that was the compressor station. That was at  
 19 the wellhead. Yount-Lee 47.  
 20 COURT REPORTER:  
 21 I'm sorry. What did you say before 47?  
 22 WITNESS:  
 23 Yount-Lee.  
 24 COURT REPORTER:  
 25 Yount-Lee?

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1 WITNESS:  
 2 Yes, ma'am.  
 3 MR. ROY:  
 4 Q And you said that the weather was rough?  
 5 A There was a little Hurricane Bill that was hitting.  
 6 Q But you had -- had you gone directly from the living  
 7 quarters platform to this particular production  
 8 platform, or had you done other work before you had  
 9 gotten to this --  
 10 A I had done other work.  
 11 Q Was this going to be your last stop for the day?  
 12 A No, sir.  
 13 Q So you had other work to do after this?  
 14 A Yes, sir.  
 15 Q It just happened to be one that you were going to be  
 16 working on inspecting that day, but it had been down  
 17 for repair?  
 18 A The compressor was down for repair, not the well.  
 19 Q Right. But until the compressor was back up, you  
 20 couldn't do what you needed to do or finish at that  
 21 station?  
 22 A No, sir.  
 23 MR. CAMEL:  
 24 If you need to, you're welcome to stand up  
 25 if --

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1 MR. ROY:  
2 Yes, if you want to stand up or if you want  
3 to take a break, that would be fine.  
4 WITNESS:  
5 Yeah.  
6 MR. ROY:  
7 You can stand up while you answer, if you  
8 wish. That's okay.  
9 MR. ROY:  
10 Q How long had Mr. Mott and John been gone from your  
11 area for the compressor station, when you were hurt?  
12 A John was at the compressor station, and Steve was at  
13 the living quarters -- the control room when I got  
14 hurt.  
15 Q All right. Were either one of them in sight?  
16 A No, sir.  
17 Q And you -- and so it was just you on the platform at  
18 the time you were hurt?  
19 A Yes, sir.  
20 Q The mechanic had already gone? Nobody else was in  
21 the boat at the time?  
22 A Yes, sir.  
23 Q And tell me about what time of the day this accident  
24 happened.  
25 A About 8:30 in the morning.

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1 Q And was this the first day of your tour or wasn't it?  
2 A No, sir.  
3 Q Up to this point of the day, was there anything  
4 unusual in your work for that day?  
5 A Just the water. I mean, there was a little hurricane  
6 out there. Everything was real rough.  
7 Q And tell me what happened that caused you to be hurt.  
8 How did you become hurt?  
9 A I had to jump off the well into the boat.  
10 Q And what caused you to have to jump off of the well  
11 into the boat?  
12 A There was no place for me to tie it off, and the boat  
13 was leaving me. So I had to jump in or it would have  
14 hit the other wells.  
15 Q How would you normally secure the boat when you got  
16 to one of these platforms to do your work?  
17 A Some of them -- I mean, that one, there's no place to  
18 tie off, so we just butt up against it, and idle the  
19 motor up high to hold it.  
20 Q Okay. And what did the platform look like? I mean,  
21 is it metal, wood?  
22 A It's wood with grating on top about as big as this  
23 table. A little bit wider.  
24 Q All right. So the table looks like it's about ten  
25 feet long --

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1 A Yes, sir.  
2 Q -- and say maybe five feet wide?  
3 A Four foot -- yes, sir.  
4 Q Four or five feet, Okay. And that would be about  
5 the size, you think, of the platform?  
6 A Yes, sir.  
7 Q Wooden size -- wooden pilings and metal grate for the  
8 deck?  
9 A Yes, sir.  
10 Q And I don't understand why there would be no place to  
11 tie up to.  
12 A There was -- I couldn't -- there's no cleats there on  
13 that one -- just that one well. And the only place  
14 to tie off would be a ladder which was four little  
15 tack welds that would break off, or tied off to an  
16 1,190 pound line -- pressure line. And that ain't  
17 happening.  
18 Q Well, what's wrong with the floor? The floor's not  
19 solid? Isn't it a grate?  
20 A Sir?  
21 Q Floor is grated metal, isn't it?  
22 A Yes, sir. But the grating wraps around all the wells  
23 and your lines and stuff, so that rough, four foot  
24 waves would pull the grating off.  
25 Q You expect me to believe that?

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1 A Only thing holding that is nails.  
2 Q What's that?  
3 A Only thing holding it down is little -- is just some  
4 nails --  
5 Q All right.  
6 A -- bent over. I mean, four foot waves got a lot of  
7 pressure. It would pull it off.  
8 Q Okay. So you concluded when you got to this platform  
9 that there was nothing to tie the boat off onto?  
10 A No, sir.  
11 Q That is, you recognized that when you got to it?  
12 A Yes, sir.  
13 Q And was the water rough when you got to the platform?  
14 A Yes, sir.  
15 Q Did it get any rougher while you were on the  
16 platform, or did it get not as rough?  
17 A No, sir. It's the same.  
18 Q About the same. Okay. And I gather from the time of  
19 the day that you would have been fairly early into  
20 your work day?  
21 A Yes, sir.  
22 Q In other words, you were not halfway through a normal  
23 work day?  
24 A No, sir.  
25 Q This would have been one of the early stops?

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1 A I wasn't in a maintenance mode that day.  
 2 Q Okay.  
 3 A I was in the mode of the compressor was coming up out  
 4 of the -- on the well.  
 5 Q But did you still have your other inspections to do  
 6 that day?  
 7 A Yes, sir.  
 8 Q Had you done any inspections at the time that this  
 9 accident happened that day, or were all of your  
 10 inspections left to be done?  
 11 A They were left to be done. It was too rough to do  
 12 inspections.  
 13 Q So you would have waited on the inspections until the  
 14 weather calmed down?  
 15 A Yes, sir.  
 16 Q So far as you know, was the intention that you were  
 17 going to take care of this matter where the  
 18 compressor had been shut down, and then go back to  
 19 the living quarters platform? Was that the  
 20 intention?  
 21 A I can't follow what you're saying. I mean, the  
 22 compressor is over here (indicating).  
 23 Q I understand.  
 24 A The well is over here (indicating), you know.  
 25 Q But the compressor had to be brought back up in order

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1 for you to get this wellhead back up?  
 2 A Yes, sir.  
 3 Q Okay. Because of the weather or any other thing, was  
 4 it your intention that you were going to take care of  
 5 this particular wellhead after the compressor was  
 6 back up and then go back to the living quarters  
 7 platform, or were you going to go do your other  
 8 inspection work?  
 9 A I was going to go to where the control room is do my  
 10 work on the platforms.  
 11 Q All right. And why would you have done that that  
 12 day? Was that the normal thing for that day, or were  
 13 you doing that because of the weather?  
 14 A I was not doing that because of the weather, but I  
 15 took care of the wells and platforms.  
 16 Q Okay. Right. How would you typically tie up the  
 17 AMBER; that is, did it have a bow line?  
 18 A It had a bow line and the line in the back.  
 19 Q And at the end of those lines, was there any hook or  
 20 did you just have a rope end?  
 21 A Just a rope.  
 22 Q Was there a boat hook anywhere in the boat?  
 23 A No, sir.  
 24 Q Did you have any sort of a hard device that you could  
 25 make a hook out of with the end -- for the end of the

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1 rope?  
 2 A No, sir.  
 3 Q And would you always tie up to the particular  
 4 platforms? Is that how you would make --  
 5 A When the water was rough, the ones that we could tie  
 6 off to, I did.  
 7 Q And had you ever had to go to these platforms on one  
 8 of your work days, before this day that you were  
 9 hurt, and not tie up?  
 10 A Yes, sir.  
 11 Q And when you -- you would be by yourself in the boat?  
 12 A Yes, sir.  
 13 Q And how would you come to the platform and do your  
 14 work on the platform without tying the boat up?  
 15 A You just leave the boat in gear and idle it up, and  
 16 it would sit there.  
 17 Q Is that what you did on this particular day that you  
 18 were hurt?  
 19 A Yes, sir.  
 20 Q Now, you said that, at some point where you were  
 21 hurt, you jumped off the platform to the boat?  
 22 A Yes, sir.  
 23 Q And you were jumping off of -- you said one of these  
 24 platforms about the same height as the gunwale of  
 25 your boat?

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1 A It's about three foot up.  
 2 Q And where in the boat were you jumping to?  
 3 A It was going to be the back because the front had --  
 4 the boat had turned and was leaving.  
 5 Q So you were going to be jumping off of the platform  
 6 over the side of the boat toward the rear?  
 7 A Yes, sir.  
 8 Q And did it have a flat floor that you were jumping  
 9 to?  
 10 A Yes, sir.  
 11 Q And what happened when you made the jump?  
 12 A The waves was down and when I jumped, the waves come  
 13 up and slammed me.  
 14 Q Where was the nose of the boat when you jumped onto  
 15 it toward the rear of the boat?  
 16 A It was facing north.  
 17 Q And how close was it to the closest point of the  
 18 platform? The closest point of the nose of the boat  
 19 to the platform was how far?  
 20 A It was 20 foot, because I had -- the back of the boat  
 21 was even with the edge of the well.  
 22 Q How close was the closest point of the back of the  
 23 boat to the platform when you jumped?  
 24 A Four foot.  
 25 Q And did you have -- were you holding any rope at the



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Sheet 7 Page 49

1 time you made the jump? Any rope attached to the  
 2 boat?  
 3 A No, sir.  
 4 Q Okay. Did you have any rope in the boat anywhere on  
 5 the platform -- not tied, but even thrown onto the  
 6 platform?  
 7 A The front rope was up there.  
 8 Q And how long was your front rope? Long as the boat?  
 9 A No, sir. It was six foot.  
 10 Q Okay. And you say it was on the platform?  
 11 A Yes, sir.  
 12 Q And why didn't you go to the front of the boat and  
 13 pull it closer so you could get on the nose of the  
 14 boat rather than jump on the rear of the boat that  
 15 was unsecured, untied?  
 16 A The boat had done left me. I had to jump.  
 17 Q Well, didn't you say that the nose of the boat --  
 18 that the rope was still up on the platform?  
 19 A No, sir.  
 20 Q Where was it?  
 21 A The rope was in the water.  
 22 Q All right. How was it that the boat -- you said you  
 23 had left the motor running --  
 24 A Yes, sir.  
 25 Q -- in, I guess, a fast idle but in gear?

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1 A At the well I was on?  
 2 Q Yes, sir.  
 3 A No, sir.  
 4 Q And no other personnel? You were the only person  
 5 there?  
 6 A Yes, sir.  
 7 Q Now, when you jumped off of the platform onto the  
 8 back of the boat, did you land up on the gunwale?  
 9 Did you land on the floor of the boat where --  
 10 A Floor.  
 11 Q And was there anything on the floor where you landed?  
 12 Any material or anything that --  
 13 A Four by -- there was a four by six.  
 14 Q And what did you land on? The floor, the four by  
 15 six, or anything else?  
 16 A My right foot hit the four by six, and my left foot  
 17 hit the floor.  
 18 Q All right. And the four by six, was it part of the  
 19 boat or was it just a piece of lumber there?  
 20 A Just a piece of lumber.  
 21 Q What was it used for?  
 22 A We use it -- when we suck chemicals out, we put it  
 23 under the barrel to --  
 24 Q That would be used to tilt the barrel to get the rest  
 25 of the stuff out?

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1 A Yes.  
 2 Q How was it that it left you or floated away?  
 3 A Because three, four foot waves that was hitting, it  
 4 turned and, with it being in gear, it was leaving me.  
 5 Q All right.  
 6 A And I'd have been stranded out on the well.  
 7 Q How long had you been on that well when you jumped  
 8 back to the boat?  
 9 A Three minutes.  
 10 Q And what caused you to decide to jump to the boat?  
 11 Was it -- had you finished your work there?  
 12 A No, sir.  
 13 Q What brought your attention to the fact that the boat  
 14 was leaving?  
 15 A I heard the motor, which I usually don't hear because  
 16 it's in the back.  
 17 Q So you heard the different sound from the outboard  
 18 motor?  
 19 A Yes, sir.  
 20 Q Okay. And you looked and realized what was going on?  
 21 A Yes, sir.  
 22 Q You had your cellular phone with you?  
 23 A Yes, sir.  
 24 Q And there were no other boats there at that platform  
 25 when you had your accident either manned or unmanned?

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1 A Yes, sir.  
 2 Q How long was the rope that you had available toward  
 3 the rear of the boat if you were tying up the rear?  
 4 A Six foot maybe. It's the same front and back.  
 5 Q And was there any rope anywhere else in the boat,  
 6 other than those two approximately six foot pieces of  
 7 line?  
 8 A No, sir.  
 9 Q Did you have an anchor in that boat?  
 10 A No, sir.  
 11 Q How did you -- I know you said that one of your feet  
 12 hit the piece of lumber; the other one landed on the  
 13 floor of the boat which was aluminum also?  
 14 A Yes, sir.  
 15 Q Did it have any anti-skid material on it?  
 16 A It had a checker plated plate.  
 17 Q Okay. And in what position did you come to rest in  
 18 on the boat? Did you fall down? Were you still  
 19 standing up?  
 20 A I fell. When I -- I hit the boat, I fell on my butt.  
 21 Q When you fell down on your butt, were you completely  
 22 still in the boat?  
 23 A Yes, sir.  
 24 Q And did you have a life jacket on at that time?  
 25 A No, sir.

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1 Q What about a hard hat?  
 2 A Yes, sir.  
 3 Q And what type of shoes or boots were you wearing?  
 4 A I had work boots. Steel-toe work boots.  
 5 Q The ones you would typically wear?  
 6 A Yes, sir.  
 7 Q And tell me how you felt once you hit the floor.  
 8 Once you kind of brought yourself to, what did you  
 9 feel?  
 10 A Well, I had to jump up and stop the boat before  
 11 anything, and my right foot and ankle was real bad.  
 12 Q You could feel it right away?  
 13 A Yes, sir. It was instantly bruised.  
 14 Q Okay. And you say you had to jump up and stop the  
 15 boat. What did you have to stop the boat for? Was  
 16 it going in some place dangerous?  
 17 A Yes, sir. It was heading to another well.  
 18 Q All right. And was it still going at a -- I'll call  
 19 a fast idle speed?  
 20 A Yes, sir.  
 21 Q But you brought the boat under control then?  
 22 A Yes, sir.  
 23 Q And then what did you do?  
 24 A Then I went and met Steve and told Steve that I hurt  
 25 myself.

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1 Q So you reported to him immediately --  
 2 A Yes, sir.  
 3 Q -- that you had -- told him what had happened, you  
 4 fell and hurt your ankle?  
 5 A Yes, sir. I even pulled my boot off and showed him  
 6 that it was bruised and --  
 7 Q All right. And where was he when you met Steve?  
 8 A He was in the control room.  
 9 Q And you said your right ankle was --  
 10 A Yes, sir. Right foot and right ankle.  
 11 Q Okay. And what part of the ankle was it that was  
 12 hurting you; that is, was it the front, the back, the  
 13 inside or the outside?  
 14 A It was inside here, under the bottom here, and across  
 15 this (indicating).  
 16 Q So inside of that bump on your ankle, and then across  
 17 the bottom of your foot?  
 18 A Yes, sir, and across the top.  
 19 Q Okay. All right. And as you fell and as you went  
 20 back to the platform to meet Steve, tell me on what  
 21 level was the pain at that point? Was it the worst  
 22 you'd ever had?  
 23 A On a scale --  
 24 Q Was it mild?  
 25 A -- scale of one to ten, probably about seven.

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1 Q Had you ever hurt that ankle or foot before?  
 2 A No, sir.  
 3 Q Were your boots damaged by the fall; that is, did you  
 4 break your heel on it, or tear the boot or anything  
 5 of that sort?  
 6 A No, sir.  
 7 Q And was the right -- was it the right foot that hit  
 8 the piece of wood in the boat?  
 9 A Yes, sir.  
 10 Q Did the piece of wood move when you hit it?  
 11 A I really don't know.  
 12 Q Once you got to Steve and reported to him what had  
 13 happened, what then took place?  
 14 A Steve just told me to go soak it.  
 15 Q All right. And did you do that?  
 16 A Yes, sir.  
 17 Q And did it get any better with the soaking?  
 18 A No, sir. I told him that I need to see a doctor.  
 19 Q All right. Do you remember what day of the week this  
 20 day was, June 14?  
 21 A No, sir.  
 22 Q Did you see a doctor that day, June 14?  
 23 A No, sir.  
 24 Q Did you continue working that day?  
 25 A I hopped around. Yes, sir.

Page 56

1 Q And then when did you -- I gather you still had part  
 2 of your seven days on that you were working at that  
 3 time?  
 4 A Yes, sir.  
 5 Q Do you know how many days you actually worked your  
 6 normal work shift before you went in?  
 7 A I was hurt on the 14th, and I seen the doctor on the  
 8 18th when I went in.  
 9 Q So was -- the day of the 18th was the last day of  
 10 your shift?  
 11 A Yes, sir.  
 12 Q And during the time from the 14th to the 18th, you  
 13 didn't get any medical attention?  
 14 A No, sir.  
 15 Q Did you continue doing anything -- soaking your foot,  
 16 for example?  
 17 A I soaked my foot. Yes, sir.  
 18 Q Was there anything else that you did? And I mean by  
 19 that did you take medicine?  
 20 A No, sir. I pretty much stayed sitting down and  
 21 taking it easy.  
 22 Q Did you continue to do your inspections during those  
 23 days?  
 24 A No, sir.  
 25 Q Who did the inspections during those days after you

# Condensed Transcript

Sheet 8 Page 57

1 were hurt, before you went in?  
 2 A Nobody.  
 3 Q What was Steve saying during that period of time? I  
 4 mean, did you convince him that you simply couldn't  
 5 do the inspections?  
 6 A I told him I need to see a doctor, and he never  
 7 called the company to set it up or nothing, so I just  
 8 stayed out there and told -- he wanted me to go to  
 9 work, and I told him I was hurting.  
 10 Q Did you try and convince him that you should go in,  
 11 that he ought to have somebody come and pick you up,  
 12 or did you have a vehicle at the dock?  
 13 A No, sir, I didn't have no vehicle at the dock.  
 14 Q How would you normally get home from the dock?  
 15 A My fiance would pick me up.  
 16 Q Did you consider calling her and having her come so  
 17 that you could take the boat in to get --  
 18 A I considered it. Yes, sir.  
 19 Q And why didn't you do that, sir?  
 20 A Because there was nobody to relieve me. Steve  
 21 wouldn't call the office to okay it, so I just  
 22 stayed.  
 23 Q Well, did you tell me you were not doing your work  
 24 anyway during that period of time?  
 25 A I was hopping around. I mean, I -- I didn't go in

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1 went to the emergency room?  
 2 A Yes, sir.  
 3 Q Okay. And did you describe for them there  
 4 essentially what you've told us here, where you were  
 5 hurting, how you were hurt?  
 6 A Yes, sir.  
 7 Q You told them essentially, you know, "I was jumping  
 8 off and hurt my foot"?  
 9 A Yes, sir.  
 10 Q Do you know what it was that they found with your  
 11 foot at that time? Was it broken, was is strained,  
 12 or what was -- the best you can remember. I'm not  
 13 asking you --  
 14 A I don't remember just --  
 15 Q -- to make a medical diagnosis, but what did they  
 16 tell you?  
 17 A I can't remember.  
 18 Q Did they take any X-rays of your foot?  
 19 A Yes, sir, I think so.  
 20 Q And after you got checked out in the emergency room  
 21 at the hospital, did they give you anything? Either  
 22 a brace, or a cast, or something to walk with, or  
 23 medicine?  
 24 A A boot and they gave me some pain medicine.  
 25 Q And it was the doctor there at the hospital who gave

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1 the boat, you know, but --  
 2 Q So you were able to do some of the work, but not all  
 3 of it?  
 4 A Yes, sir.  
 5 Q And when you got off of work on the 18th, did you get  
 6 back to the dock in a normal fashion in the boat?  
 7 A Yes, sir.  
 8 Q And your fiance picked you up?  
 9 A Yes, sir.  
 10 Q And did you go immediately to a doctor --  
 11 A Immediately.  
 12 Q -- somewhere? Where did you go?  
 13 A Cal-Cam.  
 14 Q By the 18th, tell me, versus the day of the accident,  
 15 was your ankle any better or any worse, or was it  
 16 about the same?  
 17 A About the same.  
 18 Q Okay. Was it swollen?  
 19 A Yes.  
 20 Q Did you continue wearing your boots, or did you not  
 21 put anything on your foot, or what did you have?  
 22 A At home or on the --  
 23 Q Still on the platform.  
 24 A No, sir. I wore my boot.  
 25 Q So the first place you went was to Cal-Cam, and you

Page 60

1 you that?  
 2 A Yes, sir.  
 3 Q Did you use the boot?  
 4 A Yes, sir.  
 5 Q And did you take the medicine?  
 6 A Yes, sir.  
 7 Q Did the medicine provide any relief to you?  
 8 A A little bit.  
 9 Q So you think it was on the 18th you first saw the  
 10 doctor at the hospital?  
 11 A Yes, sir.  
 12 Q All right. And then did you go back to the hospital  
 13 some time -- just a few days later?  
 14 A Yes, sir.  
 15 Q And was it to the same hospital?  
 16 A Yes, sir, I believe so.  
 17 Q And what caused you to go back a few days later to  
 18 the same hospital? Were you scheduled to go back or  
 19 did you --  
 20 A No, sir. I had stomach problems.  
 21 Q Okay. And was the stomach problem from the medicine  
 22 you were taking?  
 23 A No, sir.  
 24 Q So did you go for something other than your ankle  
 25 then?

# Condensed Transcript

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1 A Yes, sir.  
 2 Q Was your ankle still bothering you at that time?  
 3 A Yes, sir.  
 4 Q Was it any better than it had been the four or five  
 5 days before?  
 6 A No, sir.  
 7 Q All right. And then after that -- after you went to  
 8 the hospital, and then you said you went there a  
 9 second time for unrelated problems, stomach problems,  
 10 when did you next go to a medical provider and where  
 11 for your ankle?  
 12 A I went to Cal-Cam just about every day for three or  
 13 four weeks for my stomach because I was in so much  
 14 pain.  
 15 Q Did they ever determine what that was?  
 16 A Yes, sir.  
 17 Q What was it?  
 18 A It was a bunch of polyps.  
 19 Q Had you ever had that problem before?  
 20 A I had cramps in there while I was working, and it got  
 21 worse when I got off. And they ended up cutting me  
 22 from here (indicating), you know, from my chest to my  
 23 -- below my belly button.  
 24 Q And that was done before this accident or since then?  
 25 A That was since then.

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1 Q Where was the surgery done?  
 2 A Memorial.  
 3 Q All right. Who did the surgery there, sir?  
 4 A Maria Escano.  
 5 Q When was that surgery done?  
 6 A November.  
 7 Q Are you better from your stomach?  
 8 A Yes, sir.  
 9 Q Are you still being seen by the doctor for that?  
 10 A For the stomach?  
 11 Q Yes, sir.  
 12 A No, sir.  
 13 Q Okay. They discharged you?  
 14 A Yes.  
 15 Q Do you take medicine for the stomach problem?  
 16 A No, sir.  
 17 Q And when did you next see a doctor for your ankle  
 18 problem? It's after the visit to the West Calcasieu  
 19 Cameron Hospital?  
 20 A I really can't tell you.  
 21 Q I'm showing here that you may have had a visit to  
 22 Vinton Medical Clinic?  
 23 A Medical -- yes, sir.  
 24 Q Is that a private clinic?  
 25 A It's a clinic that's associated with Cal-Cam.

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1 Q And you saw a doctor there -- it looks to me here  
 2 maybe about in July -- July the 7th. Does that sound  
 3 about right?  
 4 A About right.  
 5 Q Okay. What caused you to go to the Vinton Clinic  
 6 rather than the West Calcasieu Cameron?  
 7 A My foot was still hurting, and that was --  
 8 Q Close by?  
 9 A -- a doctor right around the corner.  
 10 Q All right. Were you having the same pains in that  
 11 foot and ankle as you had had before?  
 12 A Yes.  
 13 Q Hadn't gotten any better?  
 14 A No, sir.  
 15 Q And were you still taking the medicine the doctor has  
 16 prescribed?  
 17 A Yes, sir.  
 18 Q And were you still wearing the boot that had been  
 19 given to you?  
 20 A Yes, sir.  
 21 Q But you didn't get any relief?  
 22 A No, sir.  
 23 Q I'm assuming that from the day of the accident up  
 24 until at least this time you went to the Vinton  
 25 Medical Clinic, you had not been back at work?

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1 A No, sir.  
 2 Q What were you doing during those weeks at that time?  
 3 Were you staying home? Were you doing something  
 4 else?  
 5 A I was mostly in and out of the hospital emergency  
 6 room with my stomach problems.  
 7 Q All right. And were you going to the hospital for  
 8 your stomach problems at the Memorial or were you  
 9 at --  
 10 A Cal-Cam.  
 11 Q Okay, Cal-Cam. All right. But eventually, when you  
 12 had the surgery, it was at Memorial?  
 13 A I went out to Cal-Cam, St. Pat's, and Memorial for my  
 14 stomach problems.  
 15 Q Now, I'm showing here that at some point in time you  
 16 also had some -- you had some physical therapy?  
 17 A Yes, sir.  
 18 Q And who prescribed the physical therapy?  
 19 A I don't remember.  
 20 Q And was it for your foot and ankle?  
 21 A Yes, sir.  
 22 Q And did it provide you any relief?  
 23 A No, sir.  
 24 Q It didn't get any better at all?  
 25 A No, sir.



# Condensed Transcript

Sheet 9 Page 65

1 Q Sometimes it makes it worse. Did it make it worse?  
 2 A Yes, sir.  
 3 Q Okay. And did you continue to do as the doctor said?  
 4 You were using still your boot?  
 5 A Yes, sir.  
 6 Q That is when you were not at therapy, I guess?  
 7 A Yes, sir.  
 8 Q And did you continue taking the pain medication?  
 9 A Yes, sir.  
 10 Q Was there any other medication the doctor gave you,  
 11 other than for pain? Sometimes they give you  
 12 medication that brings the swelling down, or if you  
 13 have a fever, it gets rid of the fever.  
 14 A I can't remember. I was -- like I said, I had a  
 15 bunch of health problems.  
 16 Q Okay. So you might have been taking medicines for  
 17 that and --  
 18 A Yes, sir.  
 19 Q Now, you eventually saw Dr. Gunderson here in Lake  
 20 Charles; is that right?  
 21 A Yes, sir.  
 22 Q And what caused you to see Dr. Gunderson in Lake  
 23 Charles after having seen the doctors over in Sulphur  
 24 and also in Vinton?  
 25 A Because when I went to the emergency room at Cal-Cam

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1 A It was Cal-Cam Hospital emergency room.  
 2 Q And if I'm -- when you made that complaint to  
 3 Cal-Cam, were you at the emergency room for your  
 4 injuries, or for your stomach problem?  
 5 A No, sir. I was there because my neck was hurting.  
 6 My lower back.  
 7 Q All right. I'm showing here that you went to the  
 8 Cal-Cam on two occasions. I'm showing here that you  
 9 went there on the 18th, the day you got in off your  
 10 shift?  
 11 A Yes, sir.  
 12 Q Looks like late in the afternoon, sometime after five  
 13 o'clock in the afternoon?  
 14 A No, sir.  
 15 Q No?  
 16 A The 18th, when I got off work, I was at Cal-Cam  
 17 Hospital by ten o'clock that morning.  
 18 Q All right. But the 18th is the first time you went  
 19 to Cal-Cam --  
 20 A Yes, sir.  
 21 Q -- for your injury?  
 22 A Yes, sir.  
 23 Q On that occasion, that first occasion that you went  
 24 to the Cal-Cam Hospital for your injury, did you have  
 25 a complaint about your neck and your back?

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1 about my neck and back, they told me to go to a  
 2 family doctor, and my family doctor sent me to  
 3 Gunderson.  
 4 Q When did you go to the Cal-Cam about your neck and  
 5 your back? If you remember, the first time you had  
 6 complaints to a medical provider about your neck and  
 7 back?  
 8 A About three weeks after I got hurt. I was trying to  
 9 come off pain medicine, and that's when I noticed I  
 10 had a bunch of pain. And when I called the workmen  
 11 comp lady, she told me that it was too late. I  
 12 needed to get a lawyer and a credible doctor.  
 13 Q So you think you started having the neck and back  
 14 pain about three weeks after the fall?  
 15 A No, sir. I was on so much pain medicine, there ain't  
 16 no telling, you know.  
 17 Q Okay.  
 18 A From the time I got off on the 18th, you know, I was  
 19 on pain medicine, and I'm still on pain medicine as  
 20 of today.  
 21 Q Okay. Well, when was it that you first complained to  
 22 a doctor or hospital about the neck and back pain?  
 23 A I can't remember.  
 24 Q Do you recall whether -- or who it was you first  
 25 complained to about your neck and back pain?

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1 A No, sir, not then.  
 2 Q But there was another time you went to Cal-Cam that  
 3 you had the problem with the neck and back?  
 4 A Yes, sir.  
 5 Q And was that -- how long after the first visit was  
 6 that? You think it was the next day or two, or was  
 7 it some weeks later?  
 8 A I really can't remember.  
 9 Q I'm showing you only had two visits to Cal-Cam  
 10 emergency room for injuries. And I'm talking about  
 11 not stomach problems but for injuries. And that  
 12 would have been the 18th, the day you got off of your  
 13 shift. And then sometime later you went there, and  
 14 that was the only two occasions. Do you think it was  
 15 more than two?  
 16 A I really don't remember. Like I said, I went to the  
 17 hospital so many times during -- you know, from the  
 18 time I got hurt to the time as of, you know, my  
 19 stomach.  
 20 Q But when you complained for the first time to  
 21 Cal-Cam, you're certain that it was on a visit for  
 22 your neck and back and not for your stomach?  
 23 A Yes, sir.  
 24 Q All right. I'm showing here from the records from  
 25 that facility that the -- let me get this here -- it

# Condensed Transcript

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1 shows -- yeah. I told you about 5:15 before on the  
 2 18th. It actually shows you were there about 3:15.  
 3 A No, sir. It was earlier than that.  
 4 Q Well, the nurse saw you and she logged it in at 3:15  
 5 -- 15:15, 3:15 in the afternoon. So I had misread  
 6 it. That's what it's showing here. But you may have  
 7 gotten there earlier, but they didn't see you until  
 8 then?  
 9 A No, sir. I was out of the hospital and back at the  
 10 job site by three o'clock to fill out an accident  
 11 report.  
 12 Q On the 18th?  
 13 A Yes, sir.  
 14 Q You have any idea why it is that she would show that  
 15 -- the nurse, I'm talking about, that she saw you and  
 16 interviewed you to check you out at 3:15 in the  
 17 afternoon, and then the doctor saw you at 5:28 in the  
 18 afternoon?  
 19 A No, sir. They're wrong times.  
 20 Q You don't think that's correct?  
 21 A I don't think that's correct.  
 22 Q Now -- so the 18th was the first of those times that  
 23 we show you at the Cal-Cam for your injury. The next  
 24 occasion we show for your injury at Cal-Cam is on  
 25 July 1. Okay? So a couple of weeks later?

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1 A Yes, sir.  
 2 Q July 1, at the Cal-Cam was the second time I show  
 3 that you went there, and it was for injuries. Okay?  
 4 A Yes, sir.  
 5 Q All right. On that occasion, did you complain to the  
 6 people there about your ankle?  
 7 A I believe it was for the neck and back.  
 8 Q Were you still having -- and I'll get to the neck and  
 9 back. But were you still having ankle problems?  
 10 A Yes, sir.  
 11 Q All right. Did you complain when they asked you how  
 12 you were feeling, in other words, why you're here?  
 13 Did you tell them about your ankle? Your foot and  
 14 ankle?  
 15 A I can't recall.  
 16 Q Do you recall whether you told them about neck and  
 17 back?  
 18 A I can't recall.  
 19 Q Well then what did you go to the emergency room for  
 20 on this second occasion? That's -- and I'm showing  
 21 here again July 1, 2015.  
 22 A If I'm not mistaken, it was for neck and back pain.  
 23 Q There's nothing in the emergency room record that I  
 24 see, sir, about a complaint of neck and back. It  
 25 does show that you were still having problems with

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1 your right foot and ankle which you've talked about  
 2 before.  
 3 A Yes.  
 4 Q But it doesn't show anything about neck and back. If  
 5 that's correct, and you're welcome to look at it, do  
 6 you know why that would be?  
 7 A No, sir.  
 8 Q This is what the nurse says when the nurse talked to  
 9 you. It says here, "Chief complaint," in other  
 10 words, your complaint, "Three weeks ago a right heel  
 11 injury." That's correct?  
 12 A Yes, sir.  
 13 Q And then it says, "He was seen here for injury three  
 14 weeks ago, but" --  
 15 -- (WITNESS TELEPHONE RINGS) --  
 16 MR. CAMEL:  
 17 That's all right. Turn off your phone.  
 18 Just turn it off.  
 19 MR. ROY:  
 20 Q All right. We were talking about what the nurse  
 21 said. It says here, "He was seen here for injury  
 22 three weeks ago, but pain not improving." Is that  
 23 correct -- for the ankle?  
 24 A Yes, sir.  
 25 Q All right. And it says also, "Also states he needs

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1 more medicine"?  
 2 A Yes, sir.  
 3 Q Okay. All right. But doesn't say anything about  
 4 neck or back complaints that you would have made, or  
 5 something that -- either that they found or that you  
 6 complained of. Do you know why?  
 7 A No, sir, I don't.  
 8 Q Did you go more than this second time to Cal-Cam for  
 9 any further problem?  
 10 A I really don't know, sir.  
 11 Q All right.  
 12 A I do know that I went there and seen -- they call him  
 13 "Mikey," the doctor. He's the one that pushed on my  
 14 head and said that I had, you know, neck problems and  
 15 stuff.  
 16 Q But when that took place, when they said you had neck  
 17 problems, was that something that you had told them  
 18 about before they checked your head and your neck, or  
 19 had they done that and told you that you had it?  
 20 A I said that I was feeling, you know, pains.  
 21 Q How long after the accident on the job, the June 14th  
 22 accident, was it when you first noticed either your  
 23 neck or your low back pain?  
 24 A About a week. I thought it was a cramp from sleeping  
 25 wrong or something in my neck.

# Condensed Transcript

Sheet 10 Page 73

1 Q Show me where in your neck it was that you felt the  
2 pain.  
3 A Right here (indicating).  
4 Q Right below the base of your skull?  
5 A Well --  
6 Q A little lower, about your middle of your neck?  
7 A Yes, sir.  
8 Q Okay. And was it right along the spine, right toward  
9 the center of the neck?  
10 A It was in my whole neck, and then it went out this  
11 way (indicating), down my arm.  
12 Q Like your left arm?  
13 A Yes, sir.  
14 Q All right. And you said you also had low back pain?  
15 A Yes, sir.  
16 Q Was it above or below your belt line?  
17 A Above.  
18 Q And was it the middle of your back, one side or the  
19 other?  
20 A Middle.  
21 Q Did the pain in the neck and the back come about at  
22 the same time, or was one before the other?  
23 A I really don't remember. But when I called workmen  
24 comp to tell them that my neck and back was hurting,  
25 it was -- that's when she told me to get a credible

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1 A I think both.  
2 Q All right. And had you seen Dr. Gunderson before you  
3 saw him for this injury?  
4 A No, sir.  
5 Q Have you ever been a patient of his before?  
6 A No, sir.  
7 Q Did Dr. Gunderson also examine or treat your ankle  
8 and foot?  
9 A No, sir.  
10 Q It was just your neck and back?  
11 A Yes, sir.  
12 Q All right. Now, you saw -- also, I see you saw --  
13 A Montgomery.  
14 Q -- yes, Dr. Montgomery in Lafayette. When did you  
15 see Dr. Montgomery; and that is, did you see him  
16 before you saw Dr. Gunderson, or was it after you saw  
17 Dr. Gunderson?  
18 A I think it was in the middle.  
19 Q And how did you end up seeing Dr. Montgomery in  
20 Lafayette?  
21 A The company asked me to go -- go see him.  
22 Q And when you saw Dr. Montgomery in Lafayette, for  
23 what did you understand you were seeing him?  
24 A My right foot and heel.  
25 Q All right. At the time you saw Dr. Gunderson, did

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1 lawyer and doctor, and I waited probably about two or  
2 three days after that before I went to the doctor.  
3 It was hurting worse and worse.  
4 Q All right. And who did you first see for the neck  
5 and back problem? Was that, as far as you know, the  
6 Cal-Cam?  
7 A Cal-Cam.  
8 Q All right. And after you saw the people at the  
9 Cal-Cam for the neck and back, did they give you any  
10 other treatment for it, other than what you were  
11 already getting for your ankle and foot? In other  
12 words, any other medication, any other brace, or  
13 prescription or --  
14 A They gave me the same pain medicine for it.  
15 Q It was the same medicine?  
16 A I believe so.  
17 Q And then after you had first seen the Cal-Cam for  
18 your neck and back, who did you next see or where did  
19 you next go for neck and back?  
20 A Dr. Gunderson.  
21 Q And what do you remember Dr. Gunderson telling you  
22 about your neck and back?  
23 A I got a MRI done, and I had two herniated discs and a  
24 bulging disc.  
25 Q In the neck or the back or where?

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1 you tell Dr. -- I mean, sorry, Dr. Montgomery in  
2 Lafayette, did you tell him about your neck and back?  
3 A Yes, sir.  
4 Q Okay. And what did he -- did he tell you anything  
5 about your neck and back, what he thought about it,  
6 or what he thought the problem was?  
7 A Montgomery? No, sir. He told me to go ahead -- I  
8 could leave his office; that he would send me to get  
9 an evaluation on my foot, see what I can do.  
10 Because, to me, he was upset that Gunderson was doing  
11 my back and neck, and he was just getting the foot.  
12 Q Okay. So did he -- let me understand you. Dr.  
13 Montgomery said he was going to get your neck  
14 evaluated?  
15 A No, sir.  
16 Q I'm sorry, your foot?  
17 A Foot.  
18 Q Okay. And where did you go -- you went to have a MRI  
19 or some study?  
20 A He wanted me to do some kind of wellness test or  
21 something.  
22 Q How many times did you see Dr. Montgomery?  
23 A Twice.  
24 Q And, so far as you know, did he examine your neck and  
25 your back?

# Condensed Transcript

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1 A No, sir.  
 2 Q Did he do anything about your neck and back? And by  
 3 that, I mean, X-ray or any other studies of your neck  
 4 and back?  
 5 A No, sir.  
 6 Q Did you write down on the sheet that you fill in when  
 7 you see a doctor for the first time about your neck  
 8 and back?  
 9 A No, sir. I was there for my foot.  
 10 Q But you told him about your neck and back?  
 11 A Yes, sir.  
 12 Q And he said that -- he told you he wasn't treating  
 13 you --  
 14 A That was the second time, and he pretty much threw me  
 15 out of his office because -- you know, he told me I  
 16 could leave, and that he'd send me somewhere to get  
 17 an evaluation done to see just what I can do on my  
 18 foot, how much work I can do.  
 19 Q Was there something that took place that caused him  
 20 to be upset or to tell you to leave?  
 21 A I think it was just because he didn't get the neck  
 22 and back injury.  
 23 Q Okay. But did he tell you why he was upset if that's  
 24 what it was?  
 25 A No, sir.

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1 Q Are you aware that anything took place that caused  
 2 him to be that way?  
 3 A No, sir.  
 4 Q On the first occasion that you saw him, did he appear  
 5 the same way?  
 6 A No, sir. But he didn't know that I had Dr. Gunderson  
 7 the first time.  
 8 Q Now, Dr. Gunderson is a orthopaedist?  
 9 A I believe so.  
 10 Q And Dr. Montgomery is a orthopaedist, right?  
 11 A Yes, sir.  
 12 Q Okay. And I know you said you hadn't seen Dr.  
 13 Gunderson before, but had you seen Dr. Montgomery  
 14 before?  
 15 A Just after the --  
 16 Q But that was the first time you had seen him?  
 17 A First time.  
 18 Q All right. Now, are you still being treated for your  
 19 foot and ankle problem?  
 20 A I got MRIs scheduled. I was supposed to go get a  
 21 brace put on it, and there's some other test they're  
 22 doing to it.  
 23 Q And who has ordered the MRI? What doctor? Is that  
 24 Dr. Gunderson here, or is it a doctor in Lafayette?  
 25 A I think it's Dr. Gunderson here.

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1 Q All right. And you haven't had the MRI yet?  
 2 A No, I don't think it's Dr. Gunderson. It was --  
 3 Q Dr. Fenn in Lafayette?  
 4 A Dr. Fenn's here. When I went see Dr. Fenn here, Dr.  
 5 Fenn's the one that wanted the MRIs and --  
 6 Q All right. So Dr. Fenn recommended MRI for your  
 7 ankle/foot?  
 8 A Yes, sir, and a brace and some other tests that he  
 9 wants done to it.  
 10 Q And have you scheduled that yet?  
 11 A Yes, sir.  
 12 Q You just haven't had that yet though; is that right?  
 13 A No, sir.  
 14 Q Okay. When are you scheduled to have that? Not the  
 15 date. This week? Next week?  
 16 A I got one, I think, MRI Friday.  
 17 Q And that will be here in Lake Charles?  
 18 A Yes, sir.  
 19 Q And you said you think there's another test, also?  
 20 A Yes, sir.  
 21 Q Okay. And are you still being treated for your neck  
 22 and back?  
 23 A Yes, sir.  
 24 Q And who is doing that?  
 25 A Dr. Gunderson.

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1 Q All right. And when did you last see Dr. Gunderson  
 2 for your neck and back?  
 3 A A week ago. Week and a half.  
 4 Q All right. Tell me generally what sorts of treatment  
 5 are you getting from Dr. Gunderson for your neck and  
 6 back?  
 7 A He done surgery on it, and he wants to send me to  
 8 pain management.  
 9 Q What type of surgery did you have?  
 10 A He took a disc out and put donor bone in and put a  
 11 plate with four screws in there.  
 12 Q And that's on your neck you're showing me?  
 13 A Yes, sir.  
 14 Q How many levels did he do the work on? One level,  
 15 two levels in your neck?  
 16 A I really couldn't answer that. I know it was two  
 17 herniated discs.  
 18 Q When did you have the surgery?  
 19 A December -- the last of December.  
 20 Q All right. And are you still seeing him for follow  
 21 up now?  
 22 A Yes, sir.  
 23 Q Do you know how long you will continue to see him for  
 24 follow up?  
 25 A No, sir.



# Condensed Transcript

Sheet 11 Page 81

1 Q As far as you know, is he satisfied with the progress  
2 for your neck situation?  
3 A There's still a lot of pain, and like I said, he  
4 wants me to go to pain management.  
5 Q Did he tell you where to go to pain management?  
6 A He said something about Lafayette.  
7 Q All right. Are you taking physical therapy for your  
8 neck?  
9 A I can't get it approved no more. Workmen comp won't  
10 approve it no more, or my foot or neck or nothing.  
11 Q And what about your back? You said Gunderson is  
12 treating you for your back also?  
13 A Well, they doing one thing at a time.  
14 Q Okay. But you would consider him the doctor who is  
15 at least handling your back?  
16 A Yes, sir.  
17 Q What do you understand to be the prospect for your  
18 back? What is he thinking about with it?  
19 A I couldn't answer that.  
20 Q You just -- there's no plan as of this time?  
21 A I don't know.  
22 Q In other words, he hasn't told you, "Well, as soon as  
23 we finish with your neck, we're going to do this or  
24 we're going to do that"? He hadn't --  
25 A He got the MRI scheduled for this Friday. The MRI

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1 for my foot is August -- a couple of weeks from now,  
2 a few weeks from now. I got the dates written in my  
3 little book.  
4 Q So you're going to have MRIs for both the foot and  
5 then for the --  
6 A My lower back.  
7 Q -- back? All right. Two different doctors, two  
8 different orders, but MRIs for both?  
9 A Yes, sir.  
10 Q Okay. Very good. How is your back now versus, you  
11 know, when you first began feeling the pain?  
12 A Well, sometimes it's worse. Sometimes it's about the  
13 same.  
14 Q Have you been working at all since the date that you  
15 had this accident a little over a year ago?  
16 A No, sir.  
17 Q And I mean, either full time, part-time --  
18 A No, sir.  
19 Q Are you still receiving your workers' compensation?  
20 A Yes, sir.  
21 Q And do you have -- other than your workers'  
22 compensation check, do you have any other income at  
23 this point in time?  
24 A No, sir.  
25 Q Are you scheduled to see any other doctors, other

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1 than right now Dr. Gunderson and Dr. Fenn?  
2 A I'm supposed to be doing more MRIs on my lungs and  
3 stuff like that, but I have no insurance since  
4 Prosper cancelled all my insurance. So I can't.  
5 Q And the MRI of the lungs is for a problem unrelated  
6 to your accident or what?  
7 A Yes, sir.  
8 Q All right. What are -- do you have a lung --  
9 probable lung disease?  
10 A No, sir. When they were going to do surgery, they  
11 seen some spots, and they want to make sure it didn't  
12 get bigger.  
13 Q All right. So they want to check it to be sure --  
14 A Yes, sir.  
15 Q -- there's no problem then? Okay. Are you a smoker?  
16 A Yes.  
17 Q Did they tell you to quit smoking?  
18 A Yes.  
19 Q This is aside, it's better for healing of your bones.  
20 A Yes.  
21 Q I'm sure he told you that. We won't be much longer,  
22 sir.  
23 A That's all right.  
24 Q If you want to get up and stretch, you do whatever  
25 you want. Go right ahead. Mr. Navarre, I'm going to

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1 get back to your work situation a little bit. Who  
2 would make the decision about your use of one of the  
3 boats to get either from the living platform to the  
4 shore or to get from the living platform to one of  
5 the wellheads you were inspecting?  
6 A I would.  
7 Q And how would you do that? I mean, what -- how would  
8 you make that decision?  
9 A According to what I was doing and how rough the  
10 weather was.  
11 Q And would you have to tell your supervisor or tell  
12 somebody, "Well, I'm going to use this boat or that  
13 boat"?  
14 A No, sir.  
15 Q And so there would normally be two boats there?  
16 A Yes, sir.  
17 Q And if they -- would you use the larger boat either  
18 when you needed the chemicals that might be in it or  
19 if the weather was rough?  
20 A Yes, sir.  
21 Q And you would typically use the smaller boat  
22 otherwise?  
23 A Yes, sir.  
24 Q When you used the larger boat, would you have to take  
25 the tools from the smaller boat and put them in the

# Condensed Transcript

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1 larger boat?  
 2 A No, sir.  
 3 Q Did you have tools in the larger boat?  
 4 A We had some.  
 5 Q And, typically, that would be sufficient if you  
 6 wanted to use the extra chemicals out of the bigger  
 7 boat?  
 8 A The chemicals are in a tote that we'd hook a pump up  
 9 and pump it into a tank.  
 10 Q And so that's all you'd need?  
 11 A For the chemicals, yes.  
 12 Q Was there ever a third vessel or fourth vessel or  
 13 other vessels there for your use, other than the two  
 14 you've told me about?  
 15 A The barge.  
 16 Q But in terms of a powered, normal boat, it would be  
 17 one of those two?  
 18 A Those two.  
 19 Q Were either of those two boats ever not available for  
 20 you?  
 21 A Yes, sir.  
 22 Q And how would that come about? Was it in need of  
 23 repair or was it -- what would happen?  
 24 A Yes, sir.  
 25 Q And what would happen if one of the boats was in for

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1 repairs?  
 2 A They'd usually get a loaner out, but the 202 was  
 3 down. I'd been asking them to change the alternator  
 4 for a long time. They never did.  
 5 Q All right. So, if the 202 was down for a long period  
 6 of time, did you have an alternate or did you just do  
 7 with one boat?  
 8 A We'd do with that one.  
 9 Q So you'd only have the smaller boat until the larger  
 10 one got repaired?  
 11 A Yes, sir.  
 12 Q Do you know why it took so long to get it repaired?  
 13 A Steve never wanted to spend money to repair it.  
 14 Q And with no alternator, could you still run it?  
 15 A If I charged the batteries up.  
 16 Q And did y'all still run it?  
 17 A Yes, sir, I did. But the water was too rough to put  
 18 the charger to charge it that day.  
 19 Q Okay. All right. Now, on the day that you were hurt  
 20 though, both of the vessels were available?  
 21 A No.  
 22 Q And why was the larger one not available, the 202?  
 23 A Because the batteries were dead because the  
 24 alternator was out. Alternator had been out for six  
 25 months.

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1 Q And you hadn't charged the battery the day before?  
 2 A The weather was rough for the whole shift I was out  
 3 there that time.  
 4 Q It was too rough to charge the battery, but it wasn't  
 5 too rough to get in the smaller vessel?  
 6 A Yes, sir.  
 7 Q How is that so?  
 8 A Because I ain't going to put no electric on that boat  
 9 and get tipped over and go in the water. The charger  
 10 runs off the electric. With it bouncing up and down,  
 11 it would have knocked the charger in the water.  
 12 Q Well, where would you put the charger? On the  
 13 gunwale?  
 14 A Sir?  
 15 Q You'd put the charger on the gunwale?  
 16 A On the back deck. Yes, sir.  
 17 Q And you're telling me that on the back deck you're  
 18 afraid of that charger falling in the water?  
 19 A As rough as it was, yes, sir.  
 20 Q But you weren't -- it was not so rough that you  
 21 couldn't get in the smaller boat?  
 22 A I shouldn't have, but it's the only boat I had.  
 23 Q Okay.  
 24 A And I was told to go bring the wells up.  
 25 Q All right. When you had -- have you ever had to make

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1 repairs or had repairs needed on the AMBER?  
 2 A Yes, sir.  
 3 Q What sorts of things would you all have to get  
 4 repaired on the AMBER?  
 5 A We had the motor replaced a couple of times.  
 6 Q And I gather that if you replace a motor, you bring  
 7 it somewhere and have them do it?  
 8 A Yes, sir.  
 9 Q Okay. Were there ever repairs that you all were able  
 10 to do on the AMBER or on the 202?  
 11 A On the 202, yes.  
 12 Q And what sorts of repairs might you all do on it?  
 13 A Rebuilt the water -- the mufflers -- mufflers coming  
 14 out and stuff on them.  
 15 Q And who did that?  
 16 A I did.  
 17 Q And would you -- I know you didn't do it, but were  
 18 you capable of replacing the alternator if they had  
 19 provided another alternator?  
 20 A They wouldn't provide me one.  
 21 Q Well, I'm saying I know they didn't. But if they had  
 22 provided one, did you have the capability of  
 23 replacing it?  
 24 A Yes, sir, I would have.  
 25 Q That's what I'm saying. In other words, you knew how

# Condensed Transcript

Sheet 12 Page 89

1 to do it? You think you would have been able to do  
 2 it if you had another one?  
 3 A Yes.  
 4 Q Okay. I just didn't know if you had that capability.  
 5 A Yes, sir.  
 6 Q But were there no alternators -- replacement  
 7 alternators there for the 202?  
 8 A No.  
 9 Q Okay. And it was not part of your parts inventory  
 10 there?  
 11 A No, sir.  
 12 Q And were there spare parts kept on the 202?  
 13 A No, sir.  
 14 Q And how was it determined that the alternator was the  
 15 problem on the 202?  
 16 A Because we had put two new batteries on it.  
 17 Q What about the regulator? You know anything about  
 18 the regulator may be out?  
 19 A That -- no, sir. It was the alternator that was out.  
 20 Q What I'm saying is who -- you're the one who  
 21 determined the alternator was the faulty problem?  
 22 A Me, Steve, and the other two guys on the other crew.  
 23 Q It was clearly not charging whatever the problem was;  
 24 is that correct?  
 25 A Yes, sir.

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1 Q So, if you put a new battery or fully charged  
 2 battery, within some period of time the battery would  
 3 go down?  
 4 A Yes, sir.  
 5 Q How long would it take before the battery would go  
 6 down?  
 7 A About four days, two big batteries.  
 8 Q And that's -- you said that was a diesel engine on  
 9 that boat?  
 10 A Yes, sir.  
 11 Q Did the 202 or the AMBER have any duties out there  
 12 other than what you have described for me; that is,  
 13 either bringing you all from the dock to the living  
 14 quarters platform, and then typically the AMBER  
 15 providing you with a means of transportation to do  
 16 the work at the wellheads? Did either of those  
 17 vessels do other things that you're aware of?  
 18 A Not those two, no.  
 19 Q And what about the AMBER?  
 20 A No, sir, not that one. It was the barge that we used  
 21 for --  
 22 Q But those two, that's essentially what they did?  
 23 A Yes, sir.  
 24 Q And if there were repairs -- major repairs needed on  
 25 each -- either of them, were those typically done by

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1 someone else?  
 2 A Yes, sir.  
 3 Q Who would decide if repairs were going to be made on  
 4 either of those vessels?  
 5 A Steve would call TPIC.  
 6 Q All right. So, if you saw something that needed  
 7 repair, and you couldn't repair it, would you tell  
 8 Steve?  
 9 A On the boats?  
 10 Q Yes.  
 11 A Yes, sir.  
 12 Q In other words, "We have this problem here. I think  
 13 we ought to get it fixed"?  
 14 A Yes, sir.  
 15 Q And then it would be up to him to make the order for  
 16 it?  
 17 A Yes.  
 18 Q Were there any spare parts for either of the boats  
 19 out there, either on the boats or on the platform?  
 20 A No, sir.  
 21 Q Okay. And I mean, even light bulbs or rope or  
 22 anything like that?  
 23 A Oh, we had rope and light bulbs. But I'm talking  
 24 about mechanical, motor-wise, no, sir.  
 25 Q Did either of those boats have any sort of mechanical

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1 or hydraulic winch on them?  
 2 A Not those two.  
 3 Q And was each of the wellheads that you went to on the  
 4 platform in relatively shallow water?  
 5 A The lake itself was probably only five foot, six  
 6 foot.  
 7 Q So you were never in very deep water then?  
 8 A No, sir.  
 9 Q And these were all designed essentially for what you  
 10 told me, a set of piles is driven into the mud and  
 11 then a grate on top of that with the wellhead?  
 12 A Yes, sir. We had pylons with a four by 12 horizontal  
 13 with grating on top.  
 14 Q They were all approximately the same size?  
 15 A Approximately, yes.  
 16 Q And were they lighted? Were any of them lighted?  
 17 Did they even have marker lights or any lights  
 18 that --  
 19 A Just nighttime marker.  
 20 Q And was there power available on those platforms?  
 21 A No, sir.  
 22 Q If you needed power, how would you -- did you ever  
 23 need power?  
 24 A We had a welding machine on the barge if we needed  
 25 electricity.

## Condensed Transcript

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1 Q Other than that, neither of your two normal boats,  
2 you didn't have any power that you could --  
3 A No, sir.  
4 Q -- run a power -- electrical power tool off of?  
5 A No, sir.  
6 Q Did you ever need electrical power tools on those  
7 platforms?  
8 A No, sir.  
9 Q The tools that you would typically use on your  
10 regular day out on these platforms doing your  
11 inspection and chemicals and so forth, were those  
12 tools -- were they your tools or were they tools the  
13 company had?  
14 A It was company tools.  
15 Q I know sometimes mechanics have their own tools, but  
16 that's not what you had out here?  
17 A No, sir.  
18 Q Did they provide whatever tools were needed -- that  
19 you needed to do the work out there?  
20 A Yes, sir.  
21 MR. ROY:  
22 I think that's all I have for you. Thank  
23 you very much.  
24 COURT REPORTER:  
25 Reading and signing?

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1 MR. CAMEL:  
2 We'll read and sign, please.  
3 COURT REPORTER:  
4 Do you need a copy of the deposition?  
5 MR. CAMEL:  
6 Yes, ma'am.  
7 DEPOSITION CONCLUDED AT 3:30 P.M.  
8 THE WITNESS WAS EXCUSED.

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1 CERTIFICATE  
2 I, Lesley Baudoin, Certified Court Reporter in and  
3 for the State of Louisiana, authorized to administer oaths  
4 and to take testimony under oath, do hereby certify that  
5 the foregoing was taken before me at the time and place  
6 hereinabove stated; that said witness was by me first duly  
7 sworn to testify to the truth, the whole truth, and nothing  
8 but the truth in answer to questions propounded; that the  
9 testimony was reported by me and thereafter transcribed  
10 under my supervision; that the foregoing is a verbatim  
11 transcription and is true and correct to the best of my  
12 ability and understanding.  
13 I further certify that I am not of counsel, related  
14 to or employed by any party to this cause, and in no way  
15 concerned with the outcome hereof.  
16 This certification is valid only for a transcript  
17 accompanied by my original signature and seal.  
18  
19 Date \_\_\_\_\_ Lesley Baudoin, CCR (#92076)



WITNESS: MITCHELL NAVARRE

RE: MITCHELL NAVARRE  
vs  
PROSPER OPERATORS, INC.

INSTRUCTIONS:

THIS DEPOSITION IS A LEGAL DOCUMENT. **DO NOT WRITE ON THE TYPED PAGES!!** PLEASE NOTE ANY CORRECTIONS OR CHANGES AND THE REASONS THEREFORE ON THIS PAGE IN THE SPACE PROVIDED BELOW:

PAGE 7 CORRECTION Supposed to be 23 yrs.

LINE 8 REASON on deposition it had 3 yrs. - typing mistake

PAGE 15 CORRECTION was a lease boat

LINE 9 REASON Prosper did not own boat

PAGE 16 CORRECTION Yamaha motor was last

LINE 4 REASON Suzuki was not correct after I thought about it

PAGE 30 CORRECTION only what Steve trained me to do

LINE 7 REASON I forgot to add that to the answer I gave

PAGE 39 CORRECTION should be I not that

LINE 18 REASON a typing mistake on the deposition

PAGE \_\_\_\_\_ CORRECTION \_\_\_\_\_

LINE \_\_\_\_\_ REASON \_\_\_\_\_

SIGNATURE: MeDu

DEPOSITION DATE: 07/06/16: REPORTER: L. BAUDOIN

STATE OF Louisiana

COUNTY/PARISH OF Calcasieu


BEFORE ME, the undersigned authority, personally  
came and appeared:

MITCHELL NAVARRE,

and after being duly sworn, did say that: He, the  
deponent in the foregoing deposition, has read said  
deposition and that the transcription of same is true  
and correct to the best of his knowledge and belief  
except for corrections as may be noted on the  
following page(s).

  
MITCHELL NAVARRE

SUBSCRIBED TO before me this 21st  
day of July, 2016.

  
NOTARY PUBLIC Kelly K Fontenot  
Notary ID# 26964

DEPOSITION DATE: 07/06/16 REPORTER: L. BAUDOIN